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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,271	07/21/2003	W. Kenneth Menke	54071-39855	7481
21888	7590	11/16/2006	EXAMINER	
THOMPSON COBURN, LLP			NEILS, PEGGY A	
ONE US BANK PLAZA			ART UNIT	PAPER NUMBER
SUITE 3500				2875
ST LOUIS, MO 63101				

DATE MAILED: 11/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/624,271	MENKE ET AL.
Examiner	Art Unit	
Peggy A. Neils	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 05 September 2006.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) 12 is/are allowed.

6)  Claim(s) 1,3-9, 13, 15, 16, 18-20 is/are rejected.

7)  Claim(s) 2,10,11,14 and 17 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date. \_\_\_\_ .  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date  
5)  Notice of Informal Patent Application  
6)  Other: \_\_\_\_ .

***Response to Arguments***

Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-6, 8, 9, 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Dalton, Jr. et al.

Dalton, Jr. et al shows a lighting assembly 18 locating along the front windshield (claim 4) of an automobile positioned just below (claim 3) the top edge surface where the roof meets the windshield. The lighting assembly comprises an elongated support 26 extending across the width of the windshield with a plurality of lighting assemblies 24 and a mounting bracket 28 having means 30 for connecting the bracket to the light bar and means 32 for connecting the mounting bracket to the vehicle to hold the support in place. The disclosure states that pads 32 are cemented to the windshield (see paragraph 0029 for claim 5). As shown in Figure 3, the light assemblies 24 are only supported along the front surface of support 26 (claims 6 and 15). Also the support/housing 26 is disclosed as being flexible (see paragraph 0032 for claim 8).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 16 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dalton Jr. et al in view of Stevens.

Dalton, Jr. et al shows a lighting assembly 18 located along the front windshield of an automobile positioned just below the top edge surface where the roof meets the windshield. The lighting assembly comprises an elongated support 26 extending across the width of the windshield with a plurality of lighting assemblies 24 and a mounting bracket 28 having means 30 for connecting the bracket to the light bar and means 32 for connecting the mounting bracket to the vehicle to hold the support in place. The disclosure states that pads 32 are cemented to the windshield (see paragraph 0029).

As shown in Figure 3, the light assemblies 24 are only supported along the front surface of support 26. Stevens teaches that it is known in the art to have a light bar for additional vehicle lighting wherein independent lighting assemblies supported on a light bar can be adjusted relative to their supporting bar. It would have been obvious to one skilled in the art that Dalton Jr. et al could have been modified to provide for movement of the lighting units 24 in the same manner as taught by Stevens because movable lights permits the adjustment of the beam direction which might be desired at various times.

Claims 7 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dalton Jr. et al in view of Strickland.

Strickland teaches that it is known in the art to have a support with a plurality of lighting assemblies positioned along a surface of an automobile windshield. In particular, Strickland shows each lighting assembly having its own casing 20 secured to a common support 10. Dalton Jr. et al does not show the lighting assemblies within individual housings or casings. It would have been obvious to one skilled in the art that Dalton Jr. et al could have been modified to include individual self-contained housings for the lighting assemblies in the same manner as taught by Strickland because the individual self-contained units would be easier to replace and might provide more focused lighting.

***Allowable Subject Matter***

Claim 12 is allowed.

Claims 2, 10, 11, 14 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance: Claim 12 is considered to be allowable over the prior art because Claim 12 contains the limitation that the plurality of light assemblies are movable relative to each other in response to the support bending. This combination of limitations was not shown or suggested by the prior art.

The following is a statement of reasons for the indication of allowable subject matter: Claim 2 is considered to contain allowable subject matter because it sets forth that the mounting bracket holds the support in front of the top edge of the window. Both claims 10 and 11 contain the limitation that the support is held in place in front of the window top edge. Claim 14 contains the limitation that the plurality of cases is movable relative to each other in response to the support bending. This limitation was not shown or suggested by the prior art. Claim 17 contains allowable subject matter because it sets forth that the lighting assembly is supported in front of the window.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pokorney et al and Frank et al are cited of interest. Any inquiry concerning this communication or earlier communications should be directed to Examiner Neils at (571) 272-2377 on a Monday or Thursday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378.

*Stephen Husar*  
Stephen Husar  
Primary Examiner